

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUIS ALBERTO MARTINEZ,

Petitioner,

V.

STEPHEN SINCLAIR,

## Respondent.

No. 2:22-cv-00403-DGE

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation (Dkt. No. 25) of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court ADOPTS the Report and Recommendation.
- (2) Petitioner's federal habeas Petition is DISMISSED without prejudice.
- (3) A certificate of appealability is DENIED in this case.
- (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent, and to the Hon. David W. Christel.

**DATED** this 29th day of November, 2022.

  
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David G. Estudillo  
United States District Judge